UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,385	01/18/2002	Alexandre Henon	FR 010004	5513

7590   11/09/2004

C/O YOUNG & THOMPSON
745 SOUTH 23RD STREET
SUITE 200
ARLINGTON, VA 22202

EXAMINER
BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1.   A communication was filed on April 3, 2002 that stated that a properly signed declaration

was filed. However, a copy of this declaration does not exist in the file. It is requested that the

Applicant submit this copy again.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: In line 3 "the apparatus"

lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

4.   Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Wookey

(6,023,507).

As in claims 1 and 12, Wookey discloses an electronic terminal (1) (monitored computer)

comprising at least one program memory (40, 42) for storing at least a program, at least a

processor (36) intended to execute said program (i.e., the monitored computer inherently has a

processor and memory to execute programs) (Figure 1, Abstract), means (60; S1) for

automatically generating at least a data item (I(R)) (diagnostic information) (Figure 2, Abstract)

relating to an error in executing said program (R) (i.e., log files, system crash information, etc.

include data that relates to errors produced by executed programs) (column 1: lines 43-52,

column 3: line 62 – column 4: line 8), an error memory (44) for storing (60; S2) said data item

(Figure 2, Abstract), and means of transmission (21, 50) for transmitting the contents of said

error memory (60; S3) (Figure 2, Abstract).

As in claim 2, Wookey discloses an electronic terminal characterised in that the contents

of the error memory are transmitted with a view to their utilisation by the manufacturer of said

terminal (Figure 3, Abstract, column 4: lines 59-67).

As in claim 3, Wookey discloses an electronic terminal characterised in that said data item comprises an indication (ID) of a position in said program at which the execution error occurred (i.e., log files and system crash data indicate where the error occurred) (column 3: line 62 – column 4: line 8).

As in claim 4, Wookey discloses an electronic terminal characterised in that it comprises means for determining its location (52, 54), and in that said data item comprises an indication (LOC) of the location of the apparatus when the error in executing said program occurred (i.e., the profile information knows the location of the device since it knows the responsible engineer) (Figure 8, column 4: line 59 – column 5: line 7).

As in claim 5, Wookey discloses an electronic terminal characterised in that it comprises a clock (38) giving an indication of the time, and in that said data item comprises an indication of the time (T) at which the error in executing said program occurred (i.e., since the tests are performed at specific times, the results of the tests will tell the time in which an error was detected/occurred) (Figures 9-14, column 5: lines 37-49, column 15: lines 21-61).

As in claim 6, Wookey discloses an electronic terminal characterised in that the contents of the error memory are transmitted in the form of short radio messages (SMS) (Figure 1, column 3: lines 35-48).

As in claim 7, Wookey discloses an electronic terminal characterised in that the contents

of the error memory are transmitted in the form of electronic mail (Figure 1, column 3: lines 35-

48).

As in claim 9, Wookey discloses an electronic terminal characterised in that the contents

of the error memory are transmitted periodically (c) (Abstract).

As in claim 10, Wookey discloses an electronic terminal characterised in that the contents

of the error memory are transmitted upon request (b) (initiated by service center) (column 4:

lines 9-16).

As in claim 11, Wookey discloses a telecommunication system comprising at least an

electronic terminal (1) as claimed in claim 1, and at least a central electronic apparatus (2)

(service center) intended to receive the contents of the error memory (44) transmitted by said

terminal (Figure 1, Abstract).

As in claim 13, the Applicant is directed to claims 1 and 11 above.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey in view of Miyano (JP 402188043 A).

As in claim 8, Wookey discloses the system above. However, Wookey does not disclose an electronic terminal characterised in that the contents of the error memory are transmitted when said error memory is full (a). Miyano discloses a system that stores error information, wherein when the memory including the error information becomes full, it is transmitted to another location (see document).

It would have been obvious to a person skilled in the art at the time the invention was made to include the process of transmitting the contents of the error memory when the error memory becomes full into the system taught by Wookey above. This would have been obvious because Wookey already teaches of storing error information locally and then transmitting the information to a remote service center periodically or upon a request. Miyano also teaches of collecting error information and transmitting it to a remote location upon the local memory becoming full. A person skilled in the art would have understood that the error memory taught by Wookey above would eventually become full, and would have been led by the teaching of Miyano to use the full indication of the error memory as another indicator to transmit the error information to a remote location.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Scott T Baderman whose telephone number is (571) 272-3644.

The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott T Baderman
Primary Examiner
Art Unit 2113

STB